

COMMUNITY AND ECONOMIC DEVELOPMENT CLINIC & HOUSING CLINIC
YALE LAW SCHOOL

TO: Hon. Geoff Luxenberg, Co-Chair
Hon. Marilyn Moore, Co-Chair
Members of the Housing Committee

FROM: Rubin Danberg Biggs and Mira Netsky, Yale Law School '23

DATE: February 27, 2023

RE: Support for H.B. 6633

Dear Representative Luxenberg, Senator Moore, and members of the Housing Committee:

Our names are Rubin Danberg Biggs and Mira Netsky, and we are third-year law students and members of Yale Law School's Community & Economic Development and Housing Clinics. Our clinics have long represented Open Communities Alliance and we are here today to express our strong support for HB 6633 ("Fair Share").

Fair Share would dramatically expand the supply of quality affordable housing in Connecticut and take a vital step towards making our communities more just and inclusive.

We write today to address potential concerns that HB 6633 takes too much power away from municipalities to make land-use decisions. If Connecticut is going to address its affordable housing crisis, every community will have to do its part when exercising zoning and planning powers, which are *state* powers and thus must be exercised for the general welfare of the state as a whole. For decades, many municipalities have disregarded their obligations under state law to plan and zone for a mix of housing types, including multifamily housing and housing affordable to low- and moderate-income families. Despite towns' longstanding duties to use their land use authority to promote new multifamily and affordable housing construction, the absence of a structure with measurable goals and accountability has resulted in essentially the opposite. These policy gaps have allowed many towns throughout the state to stymie nearly all new housing development and exclude forms of housing that are affordable to low- and middle-income households. As a result, countless families have been burdened by high housing costs and barred from living in large swaths of the state. In short, absolute local control over zoning has historically been one of this state's biggest impediments to building just and affordable communities.

Even so, Fair Share is fundamentally grounded in local decision-making. Although HB 6633 will require every municipality to do their part, it will also empower towns to decide how they'll meet their housing obligations. Local communities will have the opportunity to develop fair share plans that make sense for them. Voters in local elections and representatives in municipal governments will get the chance to develop roadmaps towards growing their housing supply in ways that ensure every community is able to flourish. It is only if a municipality refuses to do its part—if it ignores its relationship to every other community in the state—that this bill requires the state to step in.

COMMUNITY AND ECONOMIC DEVELOPMENT CLINIC & HOUSING CLINIC
YALE LAW SCHOOL

In recent years, this legislature has recognized that absolute local zoning control is incompatible with addressing Connecticut's affordable housing crisis. So have a majority of the people in this state. According to recent polls, more than 60% of Connecticut residents want the state to take a more active role in ensuring that more affordable housing gets built. Recent reforms to the state's zoning enabling act, C.G.S. § 8-2 (2022), reflect that recognition, imposing additional meaningful housing obligations on every municipality's use of the state-delegated zoning power. Fair Share is about giving the state more authority to define and enforce towns' obligations while retaining local control over the design and execution of their housing plans.

Fair Share strikes the right balance between respecting local decision-making and ensuring that all communities share in the responsibility for addressing this state's housing crisis. Because we believe this is the right balance to strike, we urge this Committee to pass HB 6633.

Sincerely,

Mira Netsky & Rubin Danberg Biggs